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POLICY STATEMENT

Staff have a professional responsibility to provide appropriate services and supports to consumers. These services and supports should be provided in a way that is as least restrictive as possible, and which does not generate conflicts of interest for staff members or unreasonable expectations for consumers. Staff have a responsibility to treat all consumers fairly and to avoid actual and apparent conflicts of interest or unfair discrimination between consumers. It is the policy of the South Carolina Department of Disabilities and Special Needs that staff members may not engage in dual relationships with consumers.

DEFINITIONS

For the purposes of this policy, dual relationships are defined as situations in which staff members and consumers simultaneously maintain an agency related relationship and a conflicting outside relationship. An agency relationship and an outside relationship shall be considered to conflict whenever the following two conditions exist: (1) the staff person has an agency role as the provider or supervisor of services to the consumer that involves access to information about or the exertion of control over the provision of services; and (2) the staff person and consumer are involved in a hierarchical, dependent or influential relationship that is not a part of the consumer's single plan.

Examples of the first condition above are not limited to staff who provide direct services, but also include supervisory jobs and jobs in support services. Examples of the second condition above are not limited to sexual relationships, but also include other situations where the staff person may be taking advantage of the consumer.

It is not the intent of this policy to unreasonably further restrict the already diminished opportunities for social interaction and normalization that many consumers already face. For example, it may still be appropriate for a consumer to visit the home of a staff member for a discrete period of time if appropriate checks and balances are in place.

RATIONALE

- Engaging in dual relationships is dangerous because the conflict of interest that may develop out of a dual relationship can:

- result in a loss of objectivity on the part of a staff person.
- create the opportunity for unfair gain on the part of a staff person.
- introduce a double standard in the provision of services to a group of consumers.
- create a situation in which consumers may think that they will receive special treatment.
- create pressure on consumers to act in accordance with a particular staff's wishes.

PRINCIPLES

Staff who have an agency related role as the provider or supervisor of services to a consumer that involves access to information about or the exertion of control over the provision of services must not:

- engage in sexual or romantic relationships with consumers.
- engage in business dealings with consumers that would benefit the staff person.
- allow/ encourage consumers to perform work that benefits the staff person.
- influence the civic dealings of the consumer (e.g. how to vote; what organizations to join).
- engage in on-going social interactions with consumers that are hierarchical, dependent, or influential outside of what is authorized in the single plan.

SAFEGUARDS

Whenever staff do engage in interactions/ activities that may present the question of a dual relationship, they must do so only under the following conditions:

- as part of the consumer's single plan.
- with the advance approval of their supervisor.
- with the consumer's voluntary consent (and the consent of any guardian).
- followed by documentation of the event in the consumer's record.

An additional issue that needs to be clear is whether the employee is acting as a volunteer, or if the time spent with the consumer is actually "on the clock". This clarification has ramifications for an employee's over-time hours calculation, as well as in the event of an employee injury and Worker's Compensation claim. If the employee is acting as a private citizen, then the staff person needs to be processed through the agency's or regional center's Volunteers Program as a volunteer.

In the event that an outside relationship exists prior to the development of an agency relationship that would create a conflict (such as family members accessing agency services), the agency will make an effort to provide alternative staffing arrangements to avoid the creation of a dual relationship. The staff person is required to bring the issue to the attention of his/her supervisor.

In the event that a staff person who already has an agency relationship with a consumer identifies the potential for an outside relationship to develop, it is the responsibility of the staff person to avoid the creation of the outside relationship. The staff person should also inform his/her supervisor and discuss the possibility of consumer reassignment.

When doubt exists regarding the nature of existing or potential relationships with regard to their classification as dual relationships, or the manner in which dual relationships can be avoided, staff have the responsibility to seek guidance from their supervisors.

South Carolina Department of Disabilities and Special Needs requires every staff member to act consistently with the Code Of Ethics of his/her profession or licensing board with regard to the issue of dual relationships.

Local ethics committees may be a valuable resource in clarifying difficult circumstances regarding the interpretation of dual relationships.

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